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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Appeal Brief, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: December 28, 2006 Name: Anastasia Heffner Signature: Anastasia Heffner

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Imundo et al.

Appln. No.: 09/853,945

Filed: May 11, 2001

For: Process for Repairing a Structure

Attorney Docket No: 10420/15

Examiner: Jermie E. Cozart

Art Unit: 3726

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Transmittal (in duplicate); Comments on Examiner's Answer and Reply Brief.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

						Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus				x \$25=			x \$50=	
Indep.		Minus				x 100=			x \$200=	
First Presentation of Multiple Dep. Claim						+\$180=			+ \$360=	
						Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date

12/28/06

Respectfully submitted,

Anastasia Heffner
Anastasia Heffner (Reg. No. 47,638)

BRINKS HOFER GILSON & LIONE
NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

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on December 28, 2006

Date of Deposit

Anastasia Heffner

Name of applicant, assignee or
Registered Representative

Anastasia Heffner

Signature
12-28-06

Date of Signature

Case No. 10420/15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Imundo et al.

Serial No.: 09/853,945

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Group Art Unit: 3726

COMMENTS ON EXAMINER'S ANSWER AND REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Examiner's Answer, filed October 31, 2006.

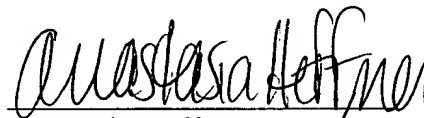
REPLY TO EXAMINER'S ANSWER

Before presenting the Reply Brief, Appellants note that the Examiner filed an answer on June 6, 2006 (the "June 6 Answer"), to which the Appellants filed a Reply Brief on August 4, 2006. No explanation has been provided as to why the Examiner has filed another answer. In any event, with the exception of the "Evidence Replied Upon" section, the Examiner's Answer filed on October 31, 2006 (the "October 31 Answer") appears to be identical to the Examiner's June 6 Answer. While the Appellants believe that the submission of the October 31 Answer is improper and should not be entered, in order to preserve their rights, Appellants have attached to this paper the Reply Brief filed on August 4, 2006. Because the Examiner's October 31 Answer contains the same arguments as the Examiner's June 6 Answer, Appellants' August 4 Reply Brief also is responsive to the Examiner's October 31 Answer.

The Appellants' Reply Brief immediately follows and is attached to this paper.

Respectfully submitted,

Dated: December 28, 2006



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